


23889
2012-228-T

SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, STATE TRANSPORT POLICE

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|--|--------------------------------------|---|--------------------|------------------------|
|  | USDOT# 2308390 | Legal: DENNIS FOUNTAIN | | |
| | Operating (DBA): D&H CHARTERS | | | |
| MC/MX #: 786935 | | State #: | | Federal Tax ID: |
| Review Type: Safety Audit – New Entrant | | Location of Review/Audit: Company Facility in the U.S. | | |
| Scope: Entire Operation | | Territory: | | |
| Operation Types | | Business: Individual | | |
| Carrier: Non-HM N/A | | Gross Revenue: \$2600 | | |
| Shipper: N/A N/A | | for year ending: 12/31/2012 | | |
| Cargo Tank: N/A | | | | |
| Company Physical Address: | | | | |
| 3541 DESSIE DRIVE LONGS, SC 29568, UNITED STATES | | | | |
| Contact Name: Dennis Fountain | | | | |
| Phone numbers: (1) 8433857783 | | | | |
| E-Mail Address: defont@sccoast.net | | | | |
| Company Mailing Address: | | | | |
| 3541 DESSIE DRIVE LONGS, SC 29568, UNITED STATES | | | | |
| Carrier Classification | | | | |
| Authorized for Hire; Private Passenger, Business | | | | |
| Cargo Classification | | | | |
| Passengers | | | | |
| Does carrier transport placardable quantities of HM? No | | | | |
| Is an HM Permit required? No | | | | |
| Driver Information | | | | |
| | | Average trip leased drivers/month: 0 | | |
| | | Total Drivers: 1 | | |
| | | CDL Drivers: 1 | | |
| | | | | |
| Equipment | | | | |
| | Owned | Term Leased | Trip Leased | |
| Motor Coach | 1 | 0 | 0 | |
| Power units used in the U.S.: | | 1 | | |
| Percentage of time used in the U.S.: | | 100 | | |

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DENNIS FOUNTAIN (D&H CHARTERS dba)
USDOT#: 2308390

Review Date:
8/22/2012

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

South Carolina State Transport Police, Motor Carrier Compliance Unit
10311 Wilson Blvd, Building D-2, Post Office Box 1993, Blythewood, SC 29016
Phone: (803) 896-2696 Fax: (803) 896-5526

This SAFETY AUDIT will be used to assess your safety compliance.

Person(s) Interviewed:

Name: Dennis Fountain

Title: Driver and Owner





DENNIS FOUNTAIN (D&H CHARTERS dba)
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Part B - Questions and Answers

An asterisk (*) beside an answer indicates an area of non-compliance by the motor carrier, and negatively affects the results of the audit.

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| Question General # 1 Section # 387.7(a) Acute Does the carrier have the required minimum level of financial responsibility in effect (property carrier)? | Answer Yes |
| Question General # 2 Section # 387.7(d) Critical Does the carrier have required proof of financial responsibility (property carrier)? | Answer N/A |
| Question General # 3 Section # 387.31(a) Acute Does the carrier have the required minimum level of financial responsibility in effect (passenger carrier)? | Answer Yes |
| Question General # 4 Section # 387.31(d) Critical Does the carrier have required proof of financial responsibility (passenger carrier)? | Answer Yes |
| Question General # 5 Section # 13901 (392.9a(a)(1)) Is the motor carrier authorized to conduct interstate operations in the United States? | Answer Yes |
| Question General # 6 Section # 390.15(b)(1) Can the carrier provide a complete accident register of recordable accidents? | Answer N/A |
| Question General # 7 Section # 390.15(b)(2) Critical Does the carrier have copies of all accident reports required by States or other government entities or insurers? | Answer N/A |
| Question General # 8 Section # 390.3(e) Is the carrier knowledgeable of the FMCSRs/HMRs? | Answer Yes |
| Question General # 9 Section # 390.21 Does the carrier know the commercial motor vehicles marking requirements? | Answer Yes |
| Question Driver # 1 Section # 391.51(a) Critical Does the carrier maintain driver qualification files? | Answer No * |
| Additional Documents Required Driver qualification files; Up to three (3) files which include newly hired drivers if applicable. | |
| Comments Driver name: Dennis E. Fountain; Interstate trip date: 08/05/2012; The carrier is missing the Safety Performance History Records Request. | |
| Question Driver # 2 Section # 391.11(b)(4) Acute Is the carrier using physically qualified drivers? | Answer Yes |
| Question Driver # 3 Section # 391.45(a), 391.45(b) Critical Is the carrier using a driver without a medical certificate or with an expired medical certificate? | Answer No |



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| Question Driver # 4 Section # 391.15(a) Acute Is the carrier using any disqualified drivers? | Answer No |
| Question Driver # 5 Section # 391.51(b)(2) Critical Does the carrier maintain driving inquiry data in driver qualification files? | Answer Yes |
| Question Driver # 6 Section # 382.115(a), 382.115(b) Acute Has the carrier implemented an alcohol and/or controlled substances testing program? | Answer Yes |
| Question Driver # 7 Section # 382.213(b) Acute Has the carrier used drivers who have used controlled substances? | Answer No |
| Question Driver # 8 Section # 382.215 Acute Has the carrier used a driver who has tested positive for a controlled substance? | Answer No |
| Question Driver # 9 Section # 382.201 Acute Has the carrier used a driver known to have an alcohol concentration of 0.04 or greater? | Answer No |
| Question Driver # 10 Section # 382.505(a) Acute Has the carrier used a driver found to have an alcohol concentration of .02 or greater but less than .04 within 24 hours of being tested? | Answer No |
| Question Driver # 11 Section # 382.301(a) Critical Has the carrier ensured that drivers have undergone testing for controlled substances prior to performing a safety sensitive function? | Answer Yes |
| Question Driver # 12 Section # 382.303(a) Critical Has the carrier conducted post accident testing on drivers for alcohol? | Answer N/A |
| Question Driver # 13 Section # 382.303(b) Critical Has the carrier conducted post accident testing on drivers for controlled substances? | Answer N/A |
| Question Driver # 14 Section # 382.305 Acute Has the carrier implemented random testing program? | Answer Yes |
| Question Driver # 15 Section # 382.305(b)(1) Critical Has the carrier conducted random alcohol testing at an annual rate of not less than the applicable annual rate or prorated rate of the average number of driver positions? | Answer Yes |
| Question Driver # 16 Section # 382.305(b)(2) Critical Has the carrier conducted controlled substance testing at the applicable prorated rate of not less than the applicable annual rate of the average number of driver positions? | Answer Yes |
| Question Driver # 17 Section # 40.305(a) Has the carrier conducted the required return-to-duty tests on employees returning to safety-sensitive functions? | Answer N/A |
| Question Driver # 18 Section # 40.309(a) Is the carrier conducting follow-up testing as directed by the Substance Abuse Professional? | Answer N/A |



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| Question Driver # 19 Section # 382.211 Acute Has the carrier used a driver who has refused to submit to an alcohol or controlled substances test required under Part 382? | Answer N/A |
| Question Driver # 20 Section # 382.503 Critical Has the carrier used a Substance Abuse Professional as required by 49 CFR Part 40 Subpart O? | Answer N/A |
| Question Driver # 21 Section # 383.23(a) Critical Has a driver operated a commercial motor vehicle without a current operating license, or a license, which hasn't been properly classed and endorsed? | Answer No |
| Question Driver # 22 Section # 383.37(a) Acute Has the motor carrier knowingly allowed it's drivers who's CDLs have been suspended, revoked or canceled by a state, have lost the right to operate a CMV in a State, or have been disqualified from operating a CMV to operate a commercial motor vehicle? | Answer No |
| Question Driver # 23 Section # 383.51(a) Acute Has the motor carrier knowingly allowed, required, permitted, or authorized a driver to drive who is disqualified to drive a commercial motor vehicle? | Answer No |
| Question Operations # 1 Section # 395.1(e)(1), 395.1(e)(2) Does the carrier have a system for recording hours of duty status on 100/150- mile radius drivers, and are they properly utilizing the 100/150 air-mile radius exemption? | Answer N/A |
| Question Operations # 2 Section # 395.8(a) Critical Does the carrier require drivers to make a record of duty status? | Answer Yes |
| Question Operations # 3 Section # 395.8(i) Critical Does the carrier require drivers to submit records of duty status within 13 days? | Answer Yes |
| Question Operations # 4 Section # 395.8(k)(1) Critical Can the carrier produce records of duty status and supporting documents for selected drivers? | Answer Yes |
| Question Operations # 5 Section # 395.3(a)(1) Critical Has the carrier allowed driver(s) to exceed the 11-hour rule? (Property) | Answer N/A |
| Question Operations # 6 Section # 395.3(a)(2) Critical Has the carrier allowed driver(s) to exceed the 14-hour rule? (Property) | Answer N/A |
| Question Operations # 7 Section # 395.3(b)(1) Critical Has the carrier allowed driver(s) to drive after having been on duty more than 60 hours in 7 consecutive days? (Property) | Answer N/A |
| Question Operations # 8 Section # 395.3(b)(2) Critical Has the carrier allowed driver(s) to drive after having been on duty more than 70 hours in 8 consecutive days? (Property) | Answer N/A |
| Question Operations # 9 Section # 395.5(a)(1) Critical Has the carrier allowed driver(s) to exceed the 10 hour rule? (Passenger) | Answer No |
| Question Operations # 10 Section # 395.5(a)(2) Critical Has the carrier allowed driver(s) to exceed the 15 hour rule? (Passenger) | Answer No |



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| Question Operations # 11 Section # 395.5(b)(1) Critical Has the carrier allowed driver(s) to drive after having been on duty more than 60 hours in 7 consecutive days? (Passenger) | Answer N/A |
| Question Operations # 12 Section # 395.5(b)(2) Critical Has the carrier allowed driver(s) to drive after having been on duty more than 70 hours in 8 consecutive days? (Passenger) | Answer No |
| Question Operations # 13 Section # 395.8(e) Critical Does available evidence indicate a selected driver has prepared a false record of duty status? | Answer No |
| Question Operations # 14 Section # 392.2 Critical Does the motor carrier ensure that drivers operate commercial motor vehicles in accordance with the laws, ordinances, and regulations of the jurisdictions in which they are operating? | Answer Yes |
| Question Operations # 15 Section # 392.9(a)(1) Critical Does the carrier ensure that drivers are not permitted to drive a vehicle without the cargo properly distributed and adequately secured? | Answer N/A |
| Question Operations # 16 Section # 392.4(b) Acute Have any drivers operated a commercial motor vehicle while under the influence of, or in possession of, narcotic drugs, amphetamines, or any other substances capable of rendering the drivers incapable of safely operating motor vehicles? | Answer No |
| Question Operations # 17 Section # 392.5(b)(1) Acute Have any drivers operated a commercial motor vehicle while under the influence of, or in possession of, intoxicating beverages? | Answer No |
| Question Operations # 18 Section # 392.5(b)(2) Acute Have any drivers operated a commercial motor vehicle within 4 hours of having consumed intoxicating beverages? | Answer No |
| Question Maintenance # 1 Section # 396.3(b) Critical Can the carrier produce maintenance files for requested vehicle(s)? | Answer Yes |
| Question Maintenance # 2 Section # 396.17(a) Critical Can the motor carrier produce evidence of periodic (annual) inspections for selected vehicles? | Answer Yes |
| Question Maintenance # 3 Section # 396.11(a) Critical Does the motor carrier require drivers to complete vehicle inspection reports daily? | Answer N/A |
| Question Maintenance # 4 Section # 396.11(c) Acute Does the carrier ensure that out-of-service defects listed by the driver in the driver vehicle inspection reports are corrected before the vehicle is operated again? | Answer N/A |
| Question Maintenance # 5 Section # 396.9(c)(2) Acute Does the carrier ensure vehicles that have been declared "out-of-service" do not operate before repairs have been made? | Answer N/A |
| Question Maintenance # 6 Section # 396.19 Is the carrier using qualified inspectors (mechanic) and maintaining evidence of the inspector's qualifications? | Answer Yes |
| Question Maintenance # 7 Section # 396.3 Can the carrier explain its systematic, periodic maintenance program? | Answer Yes |



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| Question Other # 1 Section # 375.211 Does the carrier participate in an Arbitration Program? | Answer N/A |
| Question Other # 2 Section # 13702.0 Does the carrier assess shipper freight charges based upon published tariffs? | Answer N/A |
| Question Other # 3 Section # 375.401(c) Does the carrier provide reasonably accurate estimates of moving charges? | Answer N/A |
| Question Other # 4 Section # 375.407(a), 375.703(b) Has the carrier avoided "hostage freight" or other predatory practices? | Answer N/A |
| Question Other # 5 Section # 387.301(a), 387.301(b) Does the HHG carrier have sufficient levels of public liability and cargo insurance? | Answer N/A |
| Question Other # 6 Section # 375.215 Does the carrier have a published tariff and is the motor carrier changing the applicable rate (375.215). | Answer N/A |
| Question Other # 7 Section # 375.213 Can the motor carrier identify the five documents required to be given to a prospective individual shipper prior to executing an order for service? | Answer N/A |
| Question Other # 8 Section # 49 CFR 37 subpart H Does the carrier have the means to provide accessible over-the-road bus (OTRB) service on a 48-hour advance notice basis by its owned or leased OTRBs? | Answer N/A |
| Question Other # 9 Section # 49 CFR 37 subpart H If the carrier does not have the means then does the carrier have an arrangement with another carrier that operates accessible OTRBs? | Answer N/A |

Note: No Hazardous Materials questions were asked because the carrier does not carry Hazardous Materials in Interstate Commerce.



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Part B Requirements and/or Recommendations

1. If you have any questions concerning this report, please contact the South Carolina State Transport Police, Motor Carrier Compliance Unit, 10311 Wilson Blvd., Building D-2, Post Office Box 1993, Blythewood, SC. 29016 Phone: 803-896-2696 Fax: 803-896-5526
2. Comprehensive Safety Analysis 2010, CSA 2010, is a Federal Motor Carrier Safety Administration (FMCSA) initiative to improve large truck and ultimately reduce commercial motor vehicle (CMV) - related crashes, injuries, and fatalities. It introduces a new enforcement and compliance model that allows FMCSA and its State partners to contact a larger number of carriers earlier in order to address safety problems before crashes occur.
3. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
4. Use of radar detectors or similar devices on commercial vehicles is illegal. Do not require or permit drivers to use them. Take appropriate disciplinary action against drivers if they are using such devices.
5. Do not schedule or require drivers to make trips requiring them to exceed posted speed limits in order to complete the run within the hours of service limits.
6. A complete Educational and Technical Assistance package entitled "A MOTOR CARRIER'S GUIDE TO IMPROVING HIGHWAY SAFETY" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains many forms and documents useful for improving the safety of your operations. Check: www.fmcsa.dot.gov/factsflgs/eta/index.html.
7. DOT drug testing rules require that employers test for marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).
8. For questions about DOT numbers or biennial updates: 800-832-5660 or 703-280-4001
For questions about licensing, authority or MC numbers: 202-366-9805
For questions about insurance: 202-385-2423
For household goods complaints: 888-DOT-SAFT (888-368-7238)
9. Provide pre-trip safety information to motorcoach passengers. For information about the Basic Plan for Motorcoach Passenger Safety Awareness that was published by the Federal Motor Carrier Safety Administration, go to the Agency's Web site at:
<http://www.fmcsa.dot.gov/about/outreach/bus/bus-safety-awareness-plan.htm>
10. Accident Countermeasures is a set of defensive strategies designed to reduce preventable accidents. The strategies and forms for implementing accident countermeasures can be found on the FMCSA website at: <http://www.fmcsa.dot.gov/forms/print/accident.htm>
11. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm
12. A copy of your carrier profile can be obtained for \$20 from the SAFER website (<http://safer.fmcsa.dot.gov>) or by calling 800-832-5660 or 703 280-4001. You can also write: Computing Technologies Inc. P.O. Box 3248, Merrifield, VA 22116-3248. Profile cost if ordered by mail or phone is \$27.50.





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Part B

Your Proposed Safety Audit Result is: **PASS**

Explanation of Scoring Methodology

| Factor | Failed Questions | | Performance Test Status | Total Points | Factor Status |
|------------------------|------------------|----------|----------------------------|-----------------|------------------|
| | Critical | Acute | | | |
| 1. General | 0 | 0 | — | 0 | PASS |
| 2. Driver | 1 | 0 | — | 1 | PASS |
| 3. Operations | 0 | 0 | — | 0 | PASS |
| 4. Maintenance | 0 | 0 | PASS — 0.00 % | 0 | PASS |
| 5. Hazardous Materials | — | — | — | — | — |
| 6. Accidents | — | — | PASS — 0.00 | — | PASS |
| SUM | 1 | 0 | | 1 | PASS |

Result: Carrier has adequate basic safety management controls in place.

NOTE: Carrier has the right to request a review of this determination if there are factual or procedural disputes.

HOW THE SA IS SCORED

FACTORS - The Federal Motor Carrier Safety and Federal Hazardous Material Regulations are categorized into six factors. Multiple questions address the various factors. The Part B Question & Answer Report lists the CFR section numbers related to each question.

CRITICAL/ACUTE - Questions are also defined as CRITICAL, ACUTE or neither depending on the significance of the underlying regulation. Questions are assigned a point value if they are incorrectly answered. Critical = 1 and Acute = 1.5. The point values are summed for each factor. Any factor with a point value of 3 or more is marked "FAILED".

OUT OF SERVICE (OOS) RATE - The Driver/Vehicle OOS rate is used in factor #4 as another question. If there have been more than three level 1, 2, or 5 North American Standard Inspections conducted over the past year, they will be summarized. If the summed OOS rate is over 34%, one additional point is assigned to that factor.

CRASH FACTOR - Carriers are defined as urban or non-urban in order to compensate for the higher crash risk of urban operations. Urban carriers are defined as those that operate within a 100 air-mile radius. The crash rate for a carrier is calculated as accidents per million miles traveled. Factor #6 is "FAILED" if the urban carrier crash rate exceeds 1.7 or the non-urban carrier crash rate exceeds 1.5.

OVERALL STATUS DETERMINATION - Any carrier with 3 or more "FAILED" factors is deemed to have failed the Safety Audit by having inadequate safety management controls in place to operate in the U.S.

